

November 30, 2016

Ex Parte Notice

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197; *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 – Q LINK WIRELESS LLC, Petition for Designation as a Lifeline Broadband Provider

Dear Ms. Dortch:

Q LINK WIRELESS LLC (“Q LINK”) hereby responds to the filing¹ by the Public Utility Division of the Oklahoma Corporation Commission (“PUD”) regarding Q LINK’s October 26, 2016 supplement² to Q LINK’s Petition for Designation as a Lifeline Broadband Provider (“LBP”) Eligible Telecommunications Carrier.³ The PUD fails to articulate any legitimate basis for its assertion that Q LINK’s Petition should be removed from the 60-day streamlined designation process, or to further delay action on Q LINK’s application.

Apart from rehashing the legally insufficient arguments outlined in its October 14, 2016 request to hold Q LINK’s Petition in abeyance (“Stay Request”)⁴ and in its subsequent reply to Q LINK’s opposition, which Q LINK has already addressed, the PUD raises only two issues. First, the PUD objects to Q LINK’s use of ZIP codes for that purpose.⁵ The PUD’s argument must be rejected as contrary to the Bureau’s Public Notice. In its Public Notice specifying the

¹ See Response of the Public Utility Division of the Oklahoma Corporation Commission to Q LINK WIRELESS, LLC’s Supplement to Petition of Q LINK WIRELESS LLC for FCC Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier, WC Docket Nos. 09-197, 11-42 (filed Nov. 15, 2016) (“PUD Response”).

² See Q LINK WIRELESS, LLC Supplement re: Petition for Designation as an LBP, WC Docket No. 09-197 (filed Oct. 26, 2016).

³ See Q LINK WIRELESS LLC Petition for Designation as a Lifeline Broadband Provider, WC Docket Nos. 11-42, 09-197 (filed Sept. 22, 2016).

⁴ See Request of the Public Utility Division of the Oklahoma Corporation Commission to Hold in Abeyance the Application of Q LINK WIRELESS, LLC for FCC Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier, WC Docket Nos. 09-197, 11-42 (filed Oct. 14, 2016).

⁵ PUD Response at 4-5.

content of LBP applications, the Bureau specifically authorized the use of ZIP codes to designate an LBP's service area, stating, "Entities seeking designation as an LBP should describe their proposed service areas by identifying the Census blocks, Census block groups, Census tracts, Postal ZIP Codes, or Counties in which they will offer Lifeline-discounted BIAS service."⁶

Second, PUD questions 16 of the 627 of the ZIP codes that Q LINK had indicated were associated with Oklahoma. In the first instance, Q LINK notes that the Public Notice did not require submission of service areas by state, and had Q LINK been able to obtain shapefiles from its underlying carriers, there would be no issue.⁷ Since it was unable to obtain shapefiles, Q LINK asked its underlying carriers for lists of zip codes in which the underlying carrier provides 100% coverage, and those lists were compiled into Q LINK's supplement. Some imprecision in matching ZIP codes to geographic areas is inevitable because, "USPS ZIP Codes are not areal features but a collection of mail delivery routes."⁸ While there may be some ZIP codes listed that should not be associated with Oklahoma, that administrative clean-up could and should easily be accomplished by USAC.

In any event, examination of maps available from the USPS' Every Door Direct Mail tool indicates that, of those sixteen, four (74194, 74189, 74183 and 00067) appear not to be in use and should be stricken. Of the remaining twelve areas, only one (76273) does not appear to touch the Oklahoma border; that zip code should be reclassified as Texas. For the rest of the areas, because they all touch the Oklahoma border, it is possible that some or all could contain one or more Oklahoma addresses. However, to avoid unnecessary issues, Q LINK would agree to reclassify these by state as follows:⁹

⁶ *Wireline Competition Bureau Provides Guidance Regarding Designation as a Lifeline Broadband Provider and Lifeline Broadband Minimum Service Standards*, Public Notice, DA 16-1118, 31 FCC Rcd. 10,927, 10,931 ¶ 11 (Wireline Comp. Bur. 2016) ("Public Notice").

⁷ *See id.* ¶ 11.

⁸ *ZIP CODE™ Tabulation Areas (ZCTAs™)*, U.S. CENSUS BUREAU, <http://www.census.gov/geo/reference/zctas.html> (last revised Feb. 9, 2015).

⁹ In the event Q LINK subsequently determines that some Oklahoma addresses are included in these ZIP codes, it would seek to expand the Oklahoma service area pursuant to the streamlined process described in n.32 of the Public Notice, or such other procedure as USAC or the Bureau may deem appropriate. *See* Public Notice ¶ 11 n.32.

ZIP Code	New State Assignment
72640	Texas
76252	Texas
76265	Texas
72736	Arkansas
67355	Kansas
67333	Kansas
67071	Kansas
67057	Kansas
67029	Kansas
64863	Missouri
64831	Missouri

With these clarifications to Q LINK's service area designations, there remains no issue that should delay Q LINK's designation as an LBP. The PUD has raised no other Q LINK-specific concerns. As Q LINK has previously demonstrated, the PUD's request to hold Q LINK's LBP application in abeyance is tantamount to a request for a stay pending appeal but fails to meet any of the criteria for a stay. To the contrary, the public interest would be harmed by allowing a *de facto* stay of LBP application processing to occur. Q LINK has fully met the LBP requirements, and its application should be granted immediately.

Please contact me if there are any questions.

Sincerely,



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